

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

KAREN KLINE,

Plaintiff,

vs.

Civ. No. 00-495 JC/WWD

CITY OF SANTA FE, SANTA FE POLICE
DEPARTMENT, JUDGE FRANCES GALLEGOS,
OFFICER JEROME SANCHEZ, OFFICER "JOHN
DOE", name unknown, ZONING OFFICER
EDDIE GARCIA,

Defendants.

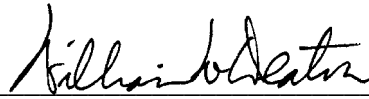
MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiff's Motion to Compel City Defendants Judge Frances Gallegos, Officer Sanchez, and Zoning Officer Garcia to Answer Plaintiff's First Set of Interrogatories [docket no. 65]. The motion states that the parties refuse to answer the questions, saying that more than 25 interrogatories were asked. Defendants do not question this assertion by Plaintiff. They seek to defeat the motion to compel by pointing out that it was not timely served, which is true. In the scheduling order I entered on August 1, 2000, I set the maximum number of interrogatories to a party at 50. If, indeed, Defendants objected to interrogatories claiming that the number of interrogatories was excessive since it exceeded 25, the objections were groundless. Taking that into account along with Plaintiff's asserted difficulties in contacting attorney Robles, I find that the motion to compel should be considered

notwithstanding the fact that it was filed out of time. To rule otherwise would allow Defendants an unfair advantage based on disregard of an order of the Court.

WHEREFORE,

IT IS ORDERED that on or before January 19, 2001, Defendants Judge Frances Gallegos, Officer Sanchez, and Zoning Officer Eddie Garcia shall serve upon Plaintiff full and complete answers to Plaintiff's First Set of Interrogatories.

A handwritten signature in black ink, appearing to read "William B. Deaton", is written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE